

MSH



City of Chicago  
Richard M. Daley, Mayor

Board of Ethics

Dorothy J. Eng  
Executive Director

Al Hofeld  
Chairman

Angeles L. Eames  
Vice Chair

Margaret Carter  
Darryl L. DePriest  
Fr. Martin E. O'Donovan  
Marlene O. Rankin  
Catherine M. Ryan

Room 303  
320 North Clark Street  
Chicago, Illinois 60610  
(312) 744-9660

August 9, 1991

CONFIDENTIAL

[REDACTED]

RE: [REDACTED]  
Case No. 91069.A  
ADVISORY OPINION

Dear [REDACTED]:

This letter serves as the Board of Ethics advisory opinion in the above referred matter. The Board appreciates your bringing this matter to our attention and your client's willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance.

You telephoned this office on June 20, 1991 seeking the Board's opinion regarding the propriety, under the Governmental Ethics Ordinance, of A [REDACTED] offering a gift of [REDACTED] to its dinner guests, some of whom would be City employees and officials. On July 10, 1991, the Board informed you over the telephone that it determined that A [REDACTED] would not violate the gifts provisions of the Ordinance by making an offer to its dinner guests if it complies with the following requirements: (1) A [REDACTED] includes with its gift offer notification that City employees and officials may be ineligible to accept the gift and directing them to the Board of Ethics, (2) A [REDACTED] institutes a "check system" at the reservation stage to confirm with the City employee or official that he or she has consulted with the Board prior to making a reservation, (3) A [REDACTED] provides to the Board a list of those City employees and officials who attend the dinner, and (4) A [REDACTED] apprises the Board of any City employee or official who [REDACTED] uses this gift [REDACTED]. The Board sets forth below its written advisory opinion.

FACTS: You telephoned this office on June 20, 1991, and explained the facts as follows. You are an attorney representing A [REDACTED], which has a contract [REDACTED] with the City of Chicago. A [REDACTED] is holding a [REDACTED] dinner in Chicago on [REDACTED]



1991 at which the attached letter (Exhibit A) will be distributed to each guest. Of the approximately 300 to 400 guests expected, approximately 20 will be City officials or employees. The letter offers to each dinner [REDACTED] free [REDACTED].

In a subsequent telephone conversation, you stated that in the gift letter, A [REDACTED] would notify government officials and employees that they may be ineligible to accept the free air travel, would direct City officials and employees to this office, and would state that A [REDACTED] will comply with the Ordinance. You also stated that A [REDACTED] would institute a "check system" [REDACTED]: when a City employee or official attempts to use the gift [REDACTED], A [REDACTED] will tell the person that he or she must receive approval from the Board of Ethics before A [REDACTED] can use the gift [REDACTED]. You questioned whether, under the gifts provisions of the Governmental Ethics Ordinance, A [REDACTED] could make this offer to City officials and employees, and whether they in turn could accept the offer.

The Board provides below its analysis of the Governmental Ethics Ordinance based upon these facts.

**LAW & ANALYSIS:** Section 2-156-040(c) of the gifts provisions of the Governmental Ethics Ordinance applies to these facts. That section states:

(c) No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the spouse or minor child of such official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value (less than \$50) provided, however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

The facts show that because of its contract with the City, A [REDACTED] has an economic interest in a specific City business. Therefore, A [REDACTED] would violate this provision of the Ordinance if it offered the gift [REDACTED] to a City official or employee who is in a position to substantially affect this or any other specific City

## NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based on the facts outlined in this opinion. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances that are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this opinion.

Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

business, service, or regulatory transaction involving A [REDACTED]. However, A [REDACTED] has specifically stated that it has no intention of violating the Ordinance. In fact, it contacted this office for guidance. Moreover, as proof of its intentions to comply with the Ordinance, the proposed gift letter, which contains the offer, is structured to specifically exclude City officials and employees who are ineligible to accept the gift [REDACTED] by putting them on notice and directing them to this office for an opinion. Additionally, A [REDACTED] has agreed to institute the check system described above, as well as provide the names of all City officials and employees who uses the gift [REDACTED].

Based on these facts, the Board determines that A [REDACTED] does not violate the Governmental Ethics Ordinance by distributing the gift letter to City officials and employees who attend the dinner. However, the Board recommends that additional language be added to the offer letter from A [REDACTED]. The notice as contained in paragraph 4 of the proposed letter, attached as Exhibit A, should read as follows:

If you are an elected or appointed public official or governmental employee, you may be ineligible to obtain the gift [REDACTED] because of federal, state or local laws. Please consult the appropriate agency, e.g. the Chicago Board of Ethics for City employees and officials, for guidance. A [REDACTED] will comply with the respective laws and ordinances and make full disclosure, as required, of those who use the tickets to the appropriate agency.

Whether a City official or employee can accept this offer for [REDACTED] depends on the particular circumstances of each individual, and such determinations will have to be made on a case-by-case basis. City officials and employees who attend the dinner will receive notification of this by letter from the Board of Ethics.

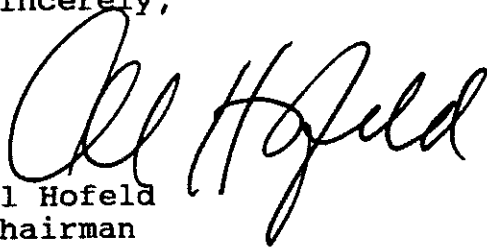
**CONCLUSION:** The Board determines that A [REDACTED] does not violate the gifts provisions of the Governmental Ethics Ordinance by making an offer to its dinner guests if it complies with the following requirements: (1) A [REDACTED] includes the notice set forth above in its gift letter to be distributed to the dinner guests, (2) A [REDACTED] uses the "check system" described above, (3) A [REDACTED] provides to the Board a list of those City employees and officials who attend the dinner, and (4) A [REDACTED] apprises the Board of any City employee or official who [REDACTED] uses this gift [REDACTED]. Our determination in this case is based on the

91069.A  
August 9, 1991  
Page 4

application of the City's Governmental Ethics Ordinance to the facts stated in this opinion.<sup>1</sup> Other rules or laws may apply to this situation.

Again, the Board appreciates your bringing this matter to our attention and your client's willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance. We enclose the Board's procedural rules that apply after it renders a decision. If you have any further questions, please do not hesitate to contact us.

Sincerely,



Al Hofeld  
Chairman

Enclosure

cc: Kelly Welsh  
Corporation Counsel

MEH:91069.L2

---

<sup>1</sup> If the facts presented in this opinion are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion.